

Senate File 2415 - Enrolled

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SENATE FILE 2415

AN ACT

ALLOWING CERTAIN COUNTIES TO PARTICIPATE IN A PILOT PROJECT FOR
EMERGENCY RESPONSE DISTRICTS AND PROVIDING FOR A DISTRICT
TAX LEVY.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. NEW SECTION. 357I.1 AUTHORIZATION AND
PURPOSE.

This chapter authorizes a pilot project for which a county
of the state may establish an emergency response district.

The purpose of this chapter is to provide a county within
the state an opportunity to participate in a pilot project
having a new governance structure to facilitate the delivery
and funding of fire protection service and emergency medical
service to residents of the county.

Sec. 2. NEW SECTION. 357I.2 DEFINITIONS.

As used in this chapter, unless the context otherwise
requires:

1. "Board" means the board of supervisors of a county.

2. "Commission" means a governing body composed of a
member of the board of supervisors, the sheriff, and the mayor
from each city within the district. A member of the
commission shall not appoint a designee to serve on the
commission in the member's capacity.

3. "District" means an emergency response district.

Sec. 3. NEW SECTION. 357I.3 MOTION FOR PUBLIC HEARING.

1. The board of supervisors of any county having a
population of at least sixteen thousand nine hundred
twenty-five but not more than sixteen thousand nine hundred
fifty, according to the 2000 certified federal census, shall,
on the board's own motion, hold a public hearing concerning
the establishment of a proposed district. The motion shall
include a statement containing the following information:

a. The need for fire protection service and emergency
medical service.

b. The geographic boundaries of the district to be served.

c. The approximate number of families in the district.

d. The proposed personnel, equipment, and facilities to
provide the fire protection service and emergency medical
service.

2. The board of supervisors shall notify the state fire
marshal's office that a motion has been adopted to form a
district.

Sec. 4. NEW SECTION. 357I.4 DISTRICT.

The boundary lines of a district may include any
incorporated or unincorporated areas within a county.

Sec. 5. NEW SECTION. 357I.5 TIME OF HEARING.

The public hearing required in section 357I.3 shall be held
within thirty days of the adoption of the motion. Notice of
hearing shall be given by publication in two successive issues
of any newspaper of general circulation within the district.
The last publication shall be not less than one week before
the proposed hearing.

Sec. 6. NEW SECTION. 357I.6 DISTRICT ESTABLISHED == PLAN
== PILOT AUTHORIZED.

1. Within ten days after the hearing, the board shall
adopt a resolution establishing the district or abandoning the
board's motion.

2. Within ten days after establishing a district, the
board shall submit a plan to the state fire marshal's office
and the county finance committee. The plan shall include all
of the following:

a. Personnel, equipment, facilities, and other available
resources that may be shared by all of the various fire
departments and emergency medical service providers within the
district.

b. Financial information demonstrating the ability to
provide fire protection service and emergency medical service
to the residents of the district.

c. A plan for transition of delivery and funding of fire

3 4 protection service and emergency medical service to the new
3 5 district.

3 6 d. A plan for the dissolution of the district and a plan
3 7 for the allocation of any assets acquired by the district in
3 8 the event of dissolution.

3 9 3. The county finance committee shall review the
3 10 district's financial information, including revenues,
3 11 expenditures, and budget items as well as the financial
3 12 implications and plan for transitioning to a new financing
3 13 structure. Within thirty days after receiving the plan, the
3 14 county finance committee shall report its findings to the
3 15 state fire marshal.

3 16 4. The state fire marshal shall consider the county
3 17 finance committee's findings and review the district's
3 18 personnel, equipment, facilities, and other available
3 19 resources that may be shared by all of the various fire
3 20 departments and emergency medical service providers as well as
3 21 the practical considerations and plan for transitioning to a
3 22 new structure for delivering fire protection service and
3 23 emergency medical service to the district. The state fire
3 24 marshal shall determine whether the district can successfully
3 25 deliver fire protection service and emergency medical service
3 26 throughout the district.

3 27 5. Within sixty days of receiving the board's plan, the
3 28 state fire marshal shall notify the board whether the board's
3 29 plan is approved.

3 30 Sec. 7. NEW SECTION. 357I.7 PILOT PROJECT == FIVE YEARS
3 31 == REPORT.

3 32 1. A district established by the board and having a plan
3 33 approved by the state fire marshal under section 357I.6 is
3 34 authorized to proceed and continue as a pilot project for five
3 35 years beginning on July 1 of the fiscal year following the
4 1 date of the board's resolution establishing the district.
4 2 However, if the date of the board's action falls after
4 3 November 1, the pilot project shall not begin until July 1 of
4 4 the fiscal year subsequent to the next following fiscal year.

4 5 2. The commission shall submit an annual report to the
4 6 state fire marshal summarizing the results of the pilot
4 7 project, including the strengths of the project, whether
4 8 delivery of fire protection service and emergency medical
4 9 service was improved throughout the district, and additional
4 10 measures needed to improve the delivery of such services.

4 11 3. The fourth annual report prepared by the commission
4 12 under subsection 2 shall also be submitted to the governor and
4 13 the general assembly. It is the intent of the general
4 14 assembly to use that report to determine whether to continue
4 15 the pilot project, revise it, terminate it, or implement the
4 16 pilot project provisions or a similar approach statewide.

4 17 Sec. 8. NEW SECTION. 357I.8 ENGINEER.

4 18 1. When the pilot project is approved, the board shall
4 19 appoint a civil engineer or county engineer who shall prepare
4 20 a preliminary plat showing:

4 21 a. The proper design in general outline of the district.

4 22 b. The lots and parcels of land within the proposed
4 23 district as they appear on the county auditor's plat books
4 24 with the names of the owners.

4 25 c. The assessed valuation of the lots and parcels.

4 26 2. The board shall determine the compensation for the
4 27 engineer's preliminary investigation. The engineer shall file
4 28 a report with the county auditor within thirty days of
4 29 appointment. The board may extend the time upon good cause
4 30 shown.

4 31 Sec. 9. NEW SECTION. 357I.9 HEARING ON ENGINEER'S
4 32 REPORT.

4 33 After the engineer's report is filed, the board shall give
4 34 notice, as provided in section 357I.5, of a public hearing to
4 35 be held concerning the engineer's preliminary plat. Within
5 1 ten days after the hearing, the board shall, by resolution,
5 2 approve or disapprove the engineer's plan.

5 3 Sec. 10. NEW SECTION. 357I.10 APPROVAL OF DISTRICT
5 4 PROPERTY TAX LEVY.

5 5 Annually, the commission shall propose the levy of a tax of
5 6 not more than one dollar and sixty and three-quarters cents
5 7 per one thousand dollars of assessed value on all taxable
5 8 property within the district. A proposed property tax levy
5 9 rate shall not be approved by the commission unless two-thirds
5 10 of the commission's members are present when the proposed
5 11 property tax levy rate is approved. The commission shall hold
5 12 a public hearing within thirty days of the commission's
5 13 approval of a proposed property tax levy rate to receive
5 14 public comment. Notice of the hearing shall be given by

5 15 publication in a newspaper of general circulation within the
5 16 district and shall be posted in a public place in each city
5 17 within the district no less than ten days before the public
5 18 hearing. The notice shall include the commission's proposed
5 19 property tax levy rate, the reason for the tax, and the time
5 20 when and the place where the hearing shall be held. The
5 21 commission shall be considered a municipality for purposes of
5 22 adopting and certifying a budget pursuant to chapter 24 and
5 23 shall set the property tax levy rate no more than ten days
5 24 following the public hearing. The tax shall be set to raise
5 25 only the amount needed. The commission shall have exclusive
5 26 tax=levying authority for the district.

5 27 Sec. 11. NEW SECTION. 357I.11 GOVERNANCE AUTHORITY ==
5 28 COMMISSION.

5 29 The district shall be governed by a commission, as defined
5 30 in section 357I.2.

5 31 Sec. 12. NEW SECTION. 357I.12 COMMISSION POWERS.

5 32 1. The commission may purchase, own, rent, or maintain
5 33 fire and emergency medical services apparatus or equipment
5 34 within the state or outside the territorial jurisdiction and
5 35 boundary limits of this state, provide housing for such
6 1 apparatus and equipment, provide fire protection service and
6 2 emergency medical service and facilities, and may certify for
6 3 levy an annual tax as provided in section 357I.10. The
6 4 commission may purchase material, employ fire protection
6 5 service personnel, emergency medical service personnel, and
6 6 other personnel, and may perform all other acts necessary to
6 7 properly maintain and operate the district. The commission
6 8 may contract under chapter 28E with any city or county or
6 9 public or private agency that is not a member of the district
6 10 for the purpose of providing fire protection service or
6 11 emergency medical service under this chapter. The
6 12 commissioners are allowed necessary expenses in the discharge
6 13 of their duties.

6 14 2. The commission shall draw the boundaries of fire and
6 15 emergency medical services areas within the district to be
6 16 assigned to various fire departments and stations throughout
6 17 the district.

6 18 Sec. 13. NEW SECTION. 357I.13 DISTRICT FIRE CHIEF.

6 19 The commission shall appoint a district fire chief who
6 20 shall serve at the pleasure of the commission and shall be
6 21 responsible for the coordination of fire protection service
6 22 and emergency medical service throughout the district.

6 23 Sec. 14. NEW SECTION. 357I.14 FIRE CHIEFS.

6 24 The district fire chief shall appoint an assistant fire
6 25 chief for each existing fire department and station within the
6 26 district who shall be responsible for delivery of fire
6 27 protection service and emergency medical service within the
6 28 areas designated by the commission pursuant to section
6 29 357I.12.

6 30 Sec. 15. NEW SECTION. 357I.15 CITIES WITHIN THE
6 31 DISTRICT.

6 32 If a city is included in a district, the maximum tax levy
6 33 authorized for the general fund of that city under section
6 34 384.1 shall be reduced by the amount of the tax rate levied
6 35 within the city by the district. Such city shall not be
7 1 responsible for providing fire protection service and
7 2 emergency medical service as provided in section 364.16, and
7 3 shall have no liability for the method, manner, or means by
7 4 which the district provides the fire protection service and
7 5 emergency medical service.

7 6 Sec. 16. NEW SECTION. 357I.16 BONDS IN ANTICIPATION OF
7 7 REVENUE.

7 8 A district may anticipate the collection of taxes by the
7 9 levy authorized in section 357I.10, and to carry out the
7 10 purposes of this chapter may issue bonds payable in not more
7 11 than ten equal installments with the rate of interest not
7 12 exceeding that permitted by chapter 74A. An indebtedness
7 13 shall not be incurred under this chapter until authorized by
7 14 an election. The election shall be conducted by the county
7 15 commissioner of elections pursuant to chapters 39 through 53.
7 16 The commission shall give the county commissioner of elections
7 17 thirty=two days' notice of the special election.

7 18 Sec. 17. NEW SECTION. 357I.17 TRANSITION == TOWNSHIP TAX
7 19 DISCONTINUED.

7 20 When the boundary lines of the district include all or a
7 21 portion of a township and the district has certified a tax
7 22 levy within the township for the purpose of fire protection
7 23 service and emergency medical service, the township trustees
7 24 shall no longer levy the tax provided by section 359.43 in
7 25 that portion of the township provided services by the

7 26 district. Any indebtedness incurred for the purposes of
7 27 sections 359.42 through 359.45 for a service now provided by
7 28 the district shall be assumed by the district. Such township
7 29 shall not be responsible for providing fire protection service
7 30 and emergency medical service as provided in section 359.42
7 31 for the portion of the township within the district, and shall
7 32 have no liability for the method, manner, or means by which
7 33 the district provides the fire protection service and
7 34 emergency medical service.

7 35 Sec. 18. NEW SECTION. 357I.18 TRANSITION == EMERGENCY
8 1 MEDICAL SERVICES DISTRICT TAXES DISCONTINUED.

8 2 When the boundary lines of the emergency response district
8 3 include all or a portion of an emergency medical services
8 4 district under chapter 357F or chapter 357G and the emergency
8 5 response district has certified a tax to be levied on property
8 6 located within the emergency medical services district for the
8 7 purpose of emergency medical service, the emergency medical
8 8 services district trustees shall no longer levy the taxes
8 9 authorized in section 357F.8 or section 357G.8 in that portion
8 10 of such emergency medical services district that is provided
8 11 services by the emergency response district. Any indebtedness
8 12 incurred by an emergency medical services district under
8 13 chapter 357F or chapter 357G for a service now provided by the
8 14 emergency response district shall be assumed by the emergency
8 15 response district.

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8 19 _____
8 20 JOHN P. KIBBIE
8 21 President of the Senate

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8 24 _____
8 25 PATRICK J. MURPHY
8 26 Speaker of the House

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8 28 I hereby certify that this bill originated in the Senate and
8 29 is known as Senate File 2415, Eighty-second General Assembly.

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8 32 _____
8 33 MICHAEL E. MARSHALL
8 34 Secretary of the Senate

8 35 Approved _____, 2008

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9 3 _____
9 4 CHESTER J. CULVER

9 5 Governor